



Agenda Date: 6/6/01

Agenda Item: III-A

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
COMCAST CABLEVISION OF NEW JERSEY,)
INC. FOR A RENEWAL CERTIFICATE OF)
APPROVAL TO CONTINUE TO OPERATE)
AND MAINTAIN A CABLE TELEVISION)
SYSTEM IN AND FOR THE BOROUGH)
OF SOUTH RIVER, COUNTY OF)
MIDDLESEX, STATE OF NEW JERSEY)

RENEWAL **CERTIFICATE OF APPROVAL**

DOCKET NO. CE01030189

Stryker, Tams and Dill, Newark, New Jersey, by Janice Manganello, Esq., for the Petitioner.

Borough Clerk, Borough of South River, New Jersey, by Albert Seaman, for the Borough.

BY THE BOARD:

On June 19, 1980, the Board granted Suburban Cablevision ("Suburban") a Certificate of Approval, in Docket No. 801C-6621, for the construction, operation and maintenance of a cable television system in the Borough of South River ("Borough"). On May 21, 1992, the Board approved the renewal of Suburban's Certificate of Approval in Docket No. CE90101225. On November 30, 1994, the Board approved the acquisition of the shares of the parent company of Suburban Cablevision, Maclean Hunter, Inc., by Comcast MH Holdings, Inc. in Docket No. CM94080365. The company is now known as Comcast Cablevision of New Jersey, Inc. ("Petitioner"). Although the Petitioner's Certificate expired on June 19, 2000, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on or about September 17, 1999, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner on February 12, 2001. The Petitioner formally accepted the terms and conditions of the ordinance on March 1, 2001, in accordance with N.J.S.A. 48:5A-24.

On March 30, 2001, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application

for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Borough reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 15 years with an automatic renewal provision for a term of ten years thereafter pursuant to N.J.S.A. 48:5A-19 and -25. The Office of Cable Television finds these periods to be of reasonable duration.
5. The Borough may review the performance of the Petitioner with regard to the ordinance. Beginning on the fourth, ninth and fourteenth anniversaries of the franchise term, the Petitioner shall provide written notification to the Borough regarding its right to review the Petitioner's performance under the ordinance. The Petitioner shall provide such reasonable and pertinent information as the Borough requests and shall appear, upon request, at a meeting of the Borough Council to answer questions about the operation of the company and its performance. Any review process shall be completed within six months of the initiating letter sent by the Petitioner. If the Borough determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, it must provide written notice and opportunity to cure to the Petitioner within 90 days of said notice. If, after such reasonable notice and opportunity to cure, the Petitioner still has not cured any such findings of non-compliance, the Borough may petition the Board for appropriate administrative action.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.

8. The Petitioner shall maintain a local business office or agent within the Borough limits for the purpose of receiving, investigating and resolving complaints. Currently, the local business office serving this provision is located at 800 Rahway Avenue in Union.
9. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner shall provide service along any public right-of-way to any person's residence or business located in all areas of the franchise territory at tariffed rates for standard and non-standard installation. In all other circumstances, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate. The minimum homes per mile figure is 35.
11. The Petitioner has agreed to provide public, educational and governmental ("PEG") access channels, facilities and support personnel in accordance with its application and the Borough's ordinance.
12. The Petitioner shall continue to provide Borough residents with public access opportunities on the system-wide channel maintained by the Petitioner. The Petitioner shall also continue to provide one system-wide leased or commercial access channel.
13. The Petitioner shall continue to provide three dedicated PEG access channels. The Petitioner shall relocate up to two origination sites for the Borough, including wiring and the modulator without cost to the Borough, provided that such relocation can be accomplished without significant cost to the Petitioner or technical difficulty.
14. Within 12 months of the issuance of this Certificate, the Petitioner shall provide the Borough a capital contribution in the amount of \$60,000.00 for the support of access in the Borough. The Petitioner shall also provide a camera and equipment package worth \$25,000.00, or its equivalent, within 12 months of the issuance of this Certificate.
15. Upon four weeks notice by the Borough, the Petitioner shall videotape up to two events per year upon request by the Borough and shall provide the tape to the Borough for use on its access channels.

16. In addition to the above, the Petitioner maintains studio facilities in Woodbridge Township and Union Township for the creation of local origination and access programming production. The Petitioner shall make its mobile production vehicle available to the Borough for the purpose of producing non-commercial educational, governmental or community programming. The Petitioner shall provide training to users of the vehicle.
17. The Petitioner shall respond to PEG access channel problems within 48 hours of notification of said problem, provided there are no other simultaneous system problems of higher priority.
18. The Petitioner shall continue to provide basic cable service of one outlet, free of charge, to each municipal building, police, fire, first aid, public library, public works building, and municipally owned community and senior citizen center. Upon completion of the renovation of the Borough municipal building, the Petitioner shall provide the necessary cable installations, free of charge. The Petitioner shall also continue to provide basic cable service, free of charge, to each public and private school in the Borough.
19. The Petitioner shall provide one free basic Internet access service, via high-speed modem, to one non-networked personal computer in a public or institutional area to each school and library in the Borough that is able to receive cable service according to Condition No. 18 above.
20. Upon reasonable written request of the Borough, the Petitioner shall appear, at least once annually, at a public hearing of the Borough Council, or before the Borough Cable Television Advisory Committee, to discuss matters pertaining to the provision of cable service to residents of the Borough and other related issues as the Borough and Petitioner may see fit.

Based upon these findings, the Board HEREBY CONCLUDES, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein, may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on June 19, 2015.

DATED: June 6, 2001

BOARD OF PUBLIC UTILITIES
BY:

(signed)

CAROL J. MURPHY
ACTING PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

ATTEST:

(signed)

FRANCES L. SMITH
BOARD SECRETARY